

1 10A NCAC 15 .1403 is amended with changes as published in NCR 30:07, pp. 723-727, as follows:

2
3 **10A NCAC 15 .1403 DEFINITIONS**

4 As used in this Section, the following definitions shall apply:

- 5 (1) "Agency" means the North Carolina Department of ~~Environment and Natural Resources.~~ Health and
6 Human Services, Division of Health Service Regulation, Radiation Protection Section.
- 7 (2) "Consumer" means any individual who is provided access to a tanning facility ~~which that~~ is required
8 to be registered pursuant to provisions of this Section.
- 9 (3) "Formal Operator Training" is a course of study approved by this agency as meeting the
10 requirements in Paragraph ~~(h)~~ (i) of Rule .1418 in this Section.
- 11 (4) "Individual" means any human being.
- 12 (5) "Inspection" means an official examination or observation to determine compliance with the rules
13 in this Section, and orders, ~~requirements~~ requirements, and conditions of the agency.
- 14 (6) "Minor" means any individual less than 18 years of age.
- 15 (7) "Medical Lamps" means any lamp that is ~~specifically~~ designed or labeled for medical use only.
- 16 (8) "Operator" means any individual designated by the registrant to operate or to assist and instruct the
17 consumer in the operation and use of the tanning facility or tanning equipment. Under this
18 definition, the term ~~"operator", "operator," includes, includes but is not limited to,~~ any ~~such~~
19 individual who conducts one or more of the following activities:
20 (a) determining consumer's skin type;
21 (b) determining the suitability of prospective consumers for tanning equipment use;
22 (c) informing the consumer of dangers of ultraviolet radiation exposure including
23 photoallergic reactions and photosensitizing agents;
24 (d) assuring that the consumer reads and ~~properly~~ signs all forms as required by the rules in
25 this Section;
26 (e) maintaining required consumer exposure records;
27 (f) recognizing and reporting consumer injuries or alleged injuries to the registrant;
28 (g) determining the consumer's exposure schedule;
29 (h) setting timers which control the duration of exposure; and
30 (i) instructing the consumer in the proper use of protective eyewear.
- 31 (9) ~~"Person", "Person,"~~ "Person", "Person," as defined in G.S. 104E-5(11), means any individual, corporation, partnership,
32 firm, association, trust, estate, public or private institution, group, agency, political subdivision of
33 this ~~state,~~ State, any other ~~state~~ State or political subdivision or agency thereof, and any legal
34 successor, representative, ~~agent~~ agent, or agency of these entities.
- 35 (10) "Registrant" means any person who is registered with the agency as required by provisions of this
36 Section.
- 37 (11) "Registration" means registration with the agency in accordance with provisions of this Section.

- 1 (12) "Tanning components" means any constituent tanning equipment part, to include ballasts, starters,
2 lamps, reflectors, acrylic shields, timers, and airflow cooling systems.
- 3 (13) "Tanning equipment" means ultraviolet or other lamps and equipment containing such lamps
4 intended to induce skin tanning through the irradiation of any part of the living human body with
5 ultraviolet radiation, e.g., beds, booths, ~~facials~~ facials, and wands.
- 6 (14) "Tanning equipment services" means the installation, sales and servicing of tanning equipment and
7 associated tanning components; calibration of equipment used in surveys to measure radiation and
8 timer accuracy; tanning health physics consulting, e.g. radiation output measurements, design of
9 safety programs, and training seminars for tanning operators and service personnel.
- 10 (15) "Tanning facility" means any location, place, area, structure or business ~~which~~ that provides
11 consumers access to tanning equipment. For the purpose of this ~~definition~~ definition, tanning
12 equipment registered to different persons at the same location and tanning equipment registered to
13 the same person, but at separate locations, shall constitute separate tanning facilities.
- 14 (16) "Ultraviolet radiation" means electromagnetic radiation with wavelengths in air between 200
15 nanometers and 400 nanometers.

16
17 *History Note:* *Authority G.S. 104E-7(a)(7); [~~S.L. 2011-145, s.13.3(e);~~]*
18 *Eff. June 1, 1989;*
19 *Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;*
20 *Transferred and Recodified from 15A NCAC 11 .1403 Eff. February 1, ~~2015~~, 2015;*
21 *Amended Eff. May 1, 2016.*

1 10A NCAC 15 .1414 is amended with changes as published in NCR 30:07, pp. 723-727, as follows:

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3 **10A NCAC 15 .1414 WARNING SIGNS REQUIRED**

4 (a) The registrant shall post the warning sign described in Paragraph (b) of this Rule within one meter of each tanning
5 station and in such a manner that the sign is clearly ~~visible,~~ visible to consumers; not obstructed by any barrier,
6 ~~equipment~~ equipment, or other ~~object,~~ object; and ~~can~~ may be easily viewed by the consumer before the tanning
7 equipment is energized.

8 (b) The warning sign in Paragraph (a) of this Rule shall use upper and lower case letters ~~which~~ that are at least seven
9 millimeters and three and one-half millimeters in height, respectively, and shall ~~have the following wording:~~ state:

10
11 **DANGER - ULTRAVIOLET RADIATION**

12 UV – emitting tanning devices have been classified as “carcinogenic to humans.”

13 ATTENTION: THIS DEVICE SHALL NOT BE USED BY PERSONS UNDER 18 YEARS OF AGE.

14 - Follow instruction.

15 - Avoid overexposure. As with natural sunlight, overexposure can cause eye and skin injury and allergic
16 reactions. REPEATED EXPOSURE MAY CAUSE PREMATURE AGING OF THE SKIN AND SKIN
17 CANCER.

18 - Wear protective eyewear.

19
20 FAILURE TO USE PROTECTIVE EYEWEAR MAY RESULT IN SEVERE BURNS OR LONG-TERM
21 INJURY TO THE EYES.

22
23 Contraindications: This sunlamp product must not be used if skin lesions or open wounds are present.

24 Warning: This sunlamp product should not be used on individuals who have had skin cancer or have a family
25 history of skin cancer.

26 Warning: Persons repeatedly exposed to ultraviolet sunlamp products should be regularly evaluated for skin
27 cancer.

28
29 - Medications or cosmetics may increase your sensitivity to the ultraviolet radiation. Consult a physician
30 before using sunlamp or tanning equipment if you are using medication or have a history of skin problems
31 or believe yourself to be especially sensitive to sunlight. Consult your certified tanning operator for a list
32 of cosmetics and products known to create sensitivity to light.

33
34 - If you do not tan in the sun, you are unlikely to tan from the use of this product.
35

1 - Consumers should report to the agency any injury for which medical attention is sought or obtained resulting
2 from the use of registered tanning equipment. This report should be made within five working days after the
3 occurrence.

4 (c) Warning signs shall include the current address and telephone number of the ~~agency~~. agency: Department of
5 Health and Human Services, Division of Health Service Regulation, Radiation Protection Section, 1645 Mail Service
6 Center, Raleigh, NC [~~27699-1600.~~] 27699-1600, (919) 814-2250.

7

8 *History Note: Authority G.S. 104E-7(a)(7); 104E-9.1;*

9 *Eff. June 1, 1989;*

10 *Amended Eff. August 1, 2002; June 1, 1993;*

11 *Transferred and Recodified from 15A NCAC 11 .1403 Eff. February 1, ~~2015~~; 2015;*

12 *Amended Eff. May 1, 2016.*

1 10A NCAC 15 .1415 is amended with changes as published in NCR 30:07, pp. 723-727, as follows:

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3 **10A NCAC 15 .1415 EQUIPMENT AND CONSTRUCTION REQUIREMENTS**

4 (a) The registrant shall use only tanning equipment manufactured in accordance with the specifications set forth in
5 21 Code of Federal Regulations (CFR) Part 1040, Section 1040.20, "~~Sunlamp products and ultraviolet lamps intended~~
6 ~~for use in sunlamp products~~". [~~products,~~"] and with 21 CFR Part [~~878.4635 "Sunlamp Products"~~] 878.4635, which is
7 herein incorporated by reference, including subsequent amendments and editions and may be accessed at
8 <http://www.ecfr.gov/cgi-bin/ECFR?page=browse>. The standard of compliance shall be the standards in effect at the
9 time of manufacture as shown on the equipment identification label required by 21 CFR Part 1010, Section 1010.3.
10 The registrant shall place an additional label on the bed [which] that states "North Carolina state law prohibits the use
11 of this device by persons under 18 years of [age"] age."

12 (b) Each assembly of tanning equipment shall be designed for use by only one consumer at a time.

13 (c) Each assembly of tanning equipment shall be equipped with a timer ~~which that~~ complies with the requirements of
14 21 CFR Part 1040, Section 1040.20(c)(2). The maximum timer interval shall not exceed the manufacturer's maximum
15 recommended exposure time. No timer interval shall have an error exceeding plus or minus 10 percent of the
16 maximum timer interval for the product.

17 (d) Tanning equipment shall include physical barriers to protect consumers from injury induced by touching or
18 breaking the lamps.

19 (e) All tanning equipment labeling required in Paragraph (a) of this Rule [~~by 21 CFR 1010, Section 1010.3 and 21~~
20 ~~CFR Part 878.4635~~] shall be ~~legible and accessible to view.~~ easily read by the consumer while in the proximity of the
21 tanning bed.

22 (f) The timer intervals shall be numerically indicated on the face of the timer.

23 (g) The timer shall not automatically reset and cause radiation emission to resume for a period greater than the unused
24 portion of the timer ~~cycle,~~ cycle when emission from the tanning device has been interrupted.

25 (h) Each assembly of tanning equipment shall be provided with a control on the equipment to enable the consumer to
26 manually terminate radiation emission from the equipment at any time without disconnecting the electrical plug or
27 removing any ultraviolet lamp.

28 (i) The timer for the tanning devices shall be remotely located outside the room where the tanning equipment is
29 located. The remote timer shall be set by a certified tanning operator. ~~Effective August 1, 2004, all tanning facilities~~
30 ~~shall be equipped with remote timers.~~

31 (j) The registrant shall ensure that timer tests are performed annually on each assembly of tanning equipment and
32 documented in writing for agency review during inspections to ensure the timer is accurate to within 10 percent as
33 specified in Paragraph (c) of this Rule ~~.1415 of this Section~~ and the consumer is able to terminate the radiation
34 manually in accordance with Paragraph (h) of this Rule.

35 (k) Medical lamps shall not be used for commercial cosmetic tanning purposes.

36
37 *History Note: Authority G.S. 104E-7(a)(7); 104E-9.1;*

1 *Eff. June 1, 1989;*
2 *Amended Eff. August 1, 2002; June 1, 1993;*
3 *Transferred and Recodified from 15A NCAC 11 .1415 Eff. February 1, ~~2015~~ 2015;*
4 *Amended Eff. May 1, 2016.*

1 10A NCAC 15 .1418 is amended with changes as published in NCR 30:07, pp. 723-727, as follows:

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3 **10A NCAC 15 .1418 RECORDS: REPORTS AND OPERATING REQUIREMENTS**

4 (a) Prior to initial exposure, the ~~tanning facility operator~~ registrant shall provide each consumer the opportunity to
5 read a copy of the warning specified in Rule .1414(b) of this Section and ~~request that~~ have the consumer sign a
6 statement that the information has been read and understood. For illiterate or visually impaired persons unable to ~~sign~~
7 ~~their name,~~ read, the warning statement shall be read aloud by the ~~operator,~~ operator to that individual, in the presence
8 of a witness, and the witness and the operator shall sign the statement.

9 (b) The registrant shall maintain a record of each consumer's total number of tanning ~~visits~~ visits, including dates and
10 durations of tanning exposures.

11 (c) The registrant shall submit ~~to the agency~~ a written report of injury for which medical attention was sought or
12 obtained from the use of registered tanning equipment to the Radiation Protection Section within five ~~working business~~
13 days after occurrence. The report shall include:

- 14 (1) the name of the affected individual;
15 (2) the name and location of the tanning facility involved;
16 (3) the nature of the actual or alleged injury; and
17 (4) any other information relevant to the actual or alleged injury, ~~to include~~ including the date and
18 duration of exposure and any documentation of medical attention sought or obtained.

19 (d) The registrant shall not allow individuals under the age of 18 to use tanning equipment. ~~equipment unless the~~
20 ~~individual provides a consent form and a statement, described in Paragraph (a) of this Rule, signed by that individual's~~
21 ~~parent or legal guardian.~~

22 (e) The registrant shall verify by checking legal identification that includes a driver's license, a passport, or military
23 identification, each consumer is 18 years of age or older.

24 ~~(e) (f)~~ (f) The registrant shall not allow minors to remain in the tanning room while the tanning equipment is in ~~operation~~
25 ~~except as provided for in this Rule.~~ operation.

26 ~~(f) (g)~~ (g) The registrant shall replace defective or burned out lamps, ~~bulbs~~ bulbs, or filters with a type intended for use
27 in the affected tanning equipment as specified by the manufacturer's product label and having the same spectral
28 distribution (certified equivalent lamp).

29 ~~(g) (h)~~ (h) The registrant shall replace ultraviolet lamps and ~~bulbs, which~~ bulbs that are not otherwise defective or
30 ~~damaged,~~ damaged at such frequency or after such duration, of use as ~~may be~~ is recommended by the manufacturer of
31 such lamps and bulbs.

32 ~~(h) (i)~~ (i) The registrant shall certify that all tanning equipment operators are trained in at least the following:

- 33 (1) the requirements of this Section;
34 (2) procedures for correct operation of the tanning facility and tanning equipment;
35 (3) recognition of injury or overexposure to ultraviolet radiation;
36 (4) the tanning equipment manufacturer's procedures for operation and maintenance of the tanning
37 equipment;

1 (5) the determination of skin type of customers and ~~appropriate~~ determination of duration of exposure
2 to registered tanning equipment; and

3 (6) emergency procedures to be followed in case of injury.

4 ~~(j)~~ (i) The registrant shall allow operation of tanning equipment only by and in the physical presence of persons who
5 have ~~successfully~~ completed formal training courses ~~which that~~ meet the requirements of Subparagraphs ~~(h)(4)~~ (i)(1)
6 to (6) of this Rule.

7 ~~(j)~~ (k) The registrant shall maintain a record of operator training required in Paragraphs ~~(h) and (i)~~ (i) and (j) of this
8 Rule for inspection by authorized representatives of the agency.

9 ~~(l)~~ (l) No registrant shall possess, use, ~~operate~~ operate, or transfer tanning equipment or their ultraviolet radiation
10 sources in such a manner as to cause any individual under 18 years of age to be exposed to radiation emissions from
11 such ~~equipment except in accordance with Paragraph (d) of this Rule.~~ equipment.

12 ~~(m)~~ (m) Each registrant shall make available to all employees current copies of the following documents:

- 13 (1) the facility's certificate of ~~registration;~~ registration with the Radiation Protection Section; and
- 14 (2) conditions or documents incorporated into the registration by reference and amendments thereto.

15
16 *History Note:* Authority G.S. 104E-7(a)(7); 104E-9; 104E-9.1; 104E-12;
17 Eff. June 1, 1989;
18 Amended Eff. August 1, 2002; May 1, 1993; May 1, 1992;
19 Transferred and Recodified from 15A NCAC 11 .1418 Eff. February 1, 2015; 2015;
20 Amended Eff. May 1, 2016.

1 10A NCAC 15 .1423 is amended with changes as published in NCR 30:07, pp. 723-727, as follows:

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3 **10A NCAC 15 .1423 FEES AND PAYMENT**

4 ~~(a) This Rule establishes fees for persons registered pursuant to the provisions of this Section to cover the anticipated~~
5 ~~costs of tanning equipment inspection and enforcement activities of the agency.~~

6 ~~(b) (a)~~ Annual fees established in this Rule ~~are~~ shall be due on the first day of July of each year.

7 ~~(c) (b)~~ Notwithstanding Paragraph ~~(b) (a)~~ of this Rule, when a new registration is issued by the agency [Radiation
8 Protection Section] after the first day of July of any year, the initial fee is due on the date of issuance of the registration.

9 ~~(d) (c)~~ The initial fee in Paragraph ~~(c) (b)~~ of this Rule shall be computed as follows:

- 10 (1) When any new registration is issued before the first day of January of any year, the initial fee is the
11 full amount specified in this Rule; and
12 (2) When any new registration is issued on or after the first day of January of any year, the initial fee is
13 one-half of the amount specified in this Rule.

14 ~~(e) All fees received by the agency pursuant to provisions of this Rule are nonrefundable.~~

15 ~~(f) (d)~~ Each registrant may pay all fees by cash, ~~check~~ check, or money order ~~provided:~~ as follows:

- 16 (1) Checks or money orders shall be made payable to "Radiation Protection ~~Section~~", Section," and
17 mailed to 1645 Mail Service Center, Raleigh, NC ~~27699-1645~~ 27699-1600 or delivered to the
18 agency office at ~~3825 Barrett Drive, Raleigh, NC 27609-7221;~~ and 5505 Creedmoor Road, Suite
19 100, Raleigh, NC 27612; and
20 (2) Cash payments shall be made only by appointment by calling the agency at ~~919/571-4141~~ 919/814-
21 2250 and delivered to the agency office at ~~3825 Barrett Drive, Raleigh, NC 27609-7221.~~ 5505
22 Creedmoor Road, Suite 100, Raleigh, NC 27612.

23 ~~(g) (e)~~ Within five days after the due dates established in Paragraphs ~~(b) and (c) (a) and (b)~~ of this Rule, the agency
24 shall mail to each ~~registrant,~~ registrant who has not already submitted ~~payment,~~ payment a notice ~~which that~~ indicates
25 the due date, the amount of fees due, and the delinquent date.

26 ~~(h) (f)~~ Payment of fees established in this Rule ~~is~~ shall be delinquent, delinquent if not received by the agency within
27 60 days after the due date specified in Paragraphs ~~(b) and (c) (a) and (b)~~ of this Rule.

28 ~~(i) (g)~~ If a registrant remits a fee in the form of a check or other instrument ~~which that~~ is uncollectible from the paying
29 institution, the agency shall notify the registrant by certified mail and allow the registrant 15 days to correct the matter,
30 ~~which includes~~ including payment of any fee charged to the agency by a banking institution.

31 ~~(j) (h)~~ If payment of fees is uncollectible from the paying institution or not submitted to the agency by the delinquent
32 date, the agency ~~may~~ shall institute legal action to collect.

33 ~~(k) (i)~~ Annual fees for persons registered pursuant to provisions of this Section are as listed in the following table:
34

Type of registered facility	Letters appearing in registration number	Facility plus first piece of tanning equipment	Each additional piece of tanning equipment
Tanning Facility	B	\$200.00	\$30.00

Fanning Equipment Services	F	\$200.00	NA
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*History Note: Authority G.S. [~~104E-7(a)(4);~~ 104E-9(a)(8); 104E-19(a);
Eff. July 1, 1994;
Amended Eff. July 1, 2011; August 1, 2007; August 1, 2002;
Transferred and Recodified from 15A NCAC 11 .1423 Eff. February 1, ~~2015;~~ 2015;
Amended Eff. May 1, 2016.*